NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES	Docket Number (Optional) 018158-024000US

I hereby certify that this correspondence is being filed via EFS-Web with the United States Patent and Trademark Office On _____March 29, 2010_____ TOWNSEND and TOWNSEND and CREW LLP By:_____//Lisa A. McDill//_____ Lisa McDill	In re Application of **Dimitri Chernyak**

Application Number 10/849,573	Filed May 18, 2004

For BINOCULAR OPTICAL TREATMENT FOR PRESBYOPIA

Art Unit 3769	Examiner SHAY, David M.

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) $ __540_____

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: $ _____

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. __20-1430_____.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.
Registration number __36,443_____.

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34. _____

//Mark D. Barrish//
_____
Signature
Mark D. Barrish
_____
Typed or printed name

650-326-2400
_____
Telephone number

03/29/2010
_____
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of __1__ forms are submitted.

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